

Notice of Allowability

Application No.

10/661,188

Examiner

Leigh McKane

Applicant(s)

GOERTZ ET AL.

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment of 12/1/05 and Interviews of 2/9/06 and 2/14/06.
2. ☒ The allowed claim(s) is/are 1,2,5-10 and 13-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 020906.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

E. Leigh McKane
ELIZABETH MCKANE
PRIMARY EXAMINER
AU 1744

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Michelle Evans on 14 February 2006.

The application has been amended as follows:

1. (Currently Amended) A dental hygiene holding apparatus in which dental appliances, oral hygiene devices or dental brushes may be sterilized in a sterilization bath and stored in said apparatus comprising:

a [vase type] container having a flat lower surface and an upper opening large enough to receive [said] dental appliances or oral hygiene devices therethrough;

a sterilizing bath container for holding [said] a sterilization bath therein removably suspended in said upper opening;

a generally horizontal extension between said upper opening of said [vase type] container and said sterilization bath container, said generally horizontal extension having holes therein for suspension of [said denetal] the dental appliances, oral hygiene devices or dental brushes after sterilization in said sterilization bath and wherein said generally horizontal extension extends outwardly from said sterilization bath container over said

Art Unit: 1744

upper opening when said sterilization bath container is suspended in said upper opening;
and

a lid for simultaneously (a) sealing said sterilization bath in said sterilization bath container, (b) covering [said] the dental appliances, oral hygiene devices or dental brushes as suspended in said holes, and (c) allowing fresh air to [said] the dental appliances, oral hygiene devices or dental brushes, wherein an upper rim of said sterilization bath container holds said lid spaced above said [vase type] container thereby allowing [said] fresh air to contact the [said] dental appliances, oral hygiene devices or dental brushes.

In claim 2, delete “vase type” in line 2.

In claim 5, delete “vase type” in line 2.

In claim 6, delete “vase type” in line 2.

In claim 8, in line 2 change “said dental appliance” to –the dental appliance-- and in line 3 delete “said”.

9. (Currently Amended) A dental hygiene holding apparatus in which dental appliances, oral hygiene devices or dental brushes may be sterilized in a sterilization bath and stored in said apparatus comprising:

a [vase type] container having a flat lower surface, a globular body, and an upper opening large enough to receive [said] dental appliances or oral hygiene devices therethrough;

a sterilization bath container for holding said sterilization bath therein removably suspended in said upper opening, said sterilization bath container comprising a bowl with an upper rim therearound;

a generally horizontal extension between said upper opening of said [vase type] container and said sterilization bath container, said generally horizontal extension having holes therein for suspension of [said dental] the dental appliances, oral hygiene devices or dental brushes after sterilization in said sterilization bath and wherein said generally horizontal extension extends outwardly from said sterilization bath container over said upper opening when said sterilization bath container is suspended in said upper opening; and

a lid for simultaneously (a) sealing said sterilization bath in said sterilization bath container, (b) covering [said] the dental appliances, oral hygiene devices or dental brushes as suspended in said holes, and (c) allowing fresh air to [said] the dental appliances, oral hygiene devices or dental brushes, wherein the upper rim of said sterilization bath container holds said lid spaced above said container thereby allowing fresh air to contact the dental appliances, oral hygiene devices or dental brushes.

Art Unit: 1744

In claim 10, line 1 change “claim 9 further includes” to –claim 9, further including--. In line 2, delete “vase type”.

Delete claims 11 and 12.

In claim 13, line 1 change “claim 12” to – claim 9--. In line 2 delete “vase type”.

In claim 14, line 2 delete “vase type”.

In claim 16, line 2 change “said dental” to –the dental--. In line 3, delete “said”.


Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leigh McKane whose telephone number is 571-272-1275. The examiner can normally be reached on Monday-Thursday (5:30 am-2:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leigh McKane
Primary Examiner
Art Unit 1744

elm
15 February 2006